



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on the 22nd November, 1973:—

BILL NO. 91 OF 1973

*A Bill further to amend the Indian Railways Act, 1890.*

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Indian Railways (Second Amendment) Act, 1973. Short title.

9 of 1890.

2. In section 82A of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), in sub-section (2), for the words "twenty thousand rupees", the words "fifty thousand rupees" shall be substituted. Amendment of section 82A.

3. In section 82J of the principal Act,—

(a) in sub-section (2), for clauses (ii) and (iii), the following clauses shall be substituted, namely:—

Amendment of section 82J.

"(ii) the compensation payable for death;

(iii) the nature of the injuries for which compensation shall be paid and the amount of such compensation;"

(b) in sub-section (3),—

(i) for the words "or in two successive sessions", the words "or in two or more successive sessions" shall be substituted:

(ii) for the words "in which it is so laid or the session immediately following", the words "immediately following the session or the successive session aforesaid" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

Under section 82A of the Indian Railways Act, 1890, the maximum liability of the railway administration for loss occasioned by the death of a passenger dying as a result of a railway accident and for personal injury and loss of property is limited to Rs. 20,000 in respect of any one person. Having regard to the increased cost of living and the limits applicable in the case of air-crash victims, this limit has been criticised in and outside Parliament as being low. It is, therefore, proposed to raise this limit to Rs. 50,000.

2. Section 82J empowers the Central Government to make rules to provide *inter alia* for the injuries for which compensation shall be payable and the rates at which compensation shall be payable for such injuries and for death or total disablement. Under the existing rules, the compensation payable, both in case of death and in case of injuries, is closely related to the earning capacity of the passenger involved in the accident, and the rates of compensation, therefore, vary according to the earning capacity of the passenger. The determination of the earning capacity of a passenger involves elaborate investigations and lead to considerable delays in the settlement of claims for compensation. With a view to avoiding such delays and also to provide for a system of uniform rate of compensation irrespective of the earning capacity of the victims, it is proposed to amend the section to provide for the prescribing of compensation solely with reference to the nature of injuries or, as the case may be, death.

3. The Bill seeks to achieve the above objects.

L. N. MISHRA.

NEW DELHI;  
The 15th November, 1973.

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**FINANCIAL MEMORANDUM**

Under section 82A of the Indian Railways Act, 1890, the maximum limit of liability of the railway administration in respect of any one person is Rs. 20,000. Clause 2 of the Bill seeks to increase this maximum limit to Rs. 50,000. Alongwith the increase in the maximum limit of compensation, it will be necessary to revise the rates at which compensation is payable. This involves additional expenditure from the Consolidated Fund of India and it is estimated that the expenditure on this account will approximately be Rs. 2½ crores per annum. The provisions of the Bill do not involve any expenditure of a non-recurring nature.

2. To cover the additional expenditure nad also for improving the safety of travel on the railways and passenger amenities, it is proposed to take action separately for levying a surcharge on passenger fares.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (a) of clause 3 of the Bill seeks to substitute clauses (ii) and (iii) of sub-section (2) of section 82J of the principal Act which empower the Central Government to make rules to provide for the injuries for which compensation shall be payable for such injuries and for death or total disablement. With a view to providing for uniform rates of compensation for death and for other injuries, the new clauses empower the Central Government to prescribe the amounts of compensation payable for various injuries and for death. In view of the fact that the matters in respect of which rules may be made under the new clauses are matters of detail, the delegation of legislative power is of a normal character.

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S. L. SHAKDHER,  
*Secretary-General.*